

Quid Novi

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MCGILL UNIVERSITY

Order-in-(Cutler's) Council

by Joseph Rikhof

The first LSA Council meeting of this year was on Thursday, September 23rd. The meeting was of an informal and introductory nature, since most time was spent on announcements such as the introduction of new members and the announcements of the Sports Representative. The Editor-in-Chief of *Quid Novi* also addressed the meeting and time was allotted to give candidates for the position of speaker a chance to introduce themselves.

The New Members

This year the LSA Council consists of the following members:

Roger Cutler	President
Carole Gingras	Secretary
Mark Dresser	Treasurer
Fran Boyle	VP Common Law
Stephan Le Gouëff	VP Civil Law
Tim Baikie	VP University Affairs
Fred Hoefert	Faculty Council Representative
Todd Van Vliet	LLB I
Dougal Clark	BCL I
Brandon Jaffe	LLB II
Stephen Fogarty	BCL II
Suzanne Michaud	LLB III
Anthony Martino	BCL III
Bruce Fitzsimmons	BCL/LLB IV

Sportactivities

John Webster, the Sports Representative, announced the existence of the intramural, civil

law sports tournament in Montreal and the common law tournament in Toronto. He stressed that first year representatives especially should mention those activities to their constituencies, including the important fundraising activities, which are held on:

Tuesday, Sept. 28, 3 o'clock:

Faculty-Student football game on the lawn in front of the law building;

Wednesday, Sept. 29, 4 o'clock:

Men-Women Softball game at the reservoir;

Thursday, Sept. 30, 12-2:00:

Beer & Pizza in the basement.

Quid Novi

The president introduced this topic by explaining that students last year had agreed in a referendum to support the *Quid Novi* with 5 dollars each. The problem, however, was that the money would not be received until the first half of October, with the result that *Quid Novi* presently faces a tight financial situation in producing the paper. Richard Janda, Editor-in-Chief, gave some figures to point out the problem. Printing and typing costs alone were \$125 an issue. Consequently, in order to produce the paper until the first half of October, \$750 was needed. After it was made clear

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Eats'n Grits

by Rick Goldman

"I think a school cafeteria should challenge students' tastebuds," says Students' Society Comptroller, Jon Shifman, the burley man behind the health food craze that is sweeping McGill faculties, and now has law students munching alfalfa sprouts and pita bread between lectures. "Actually," the staid-looking accountant continues, "health food is not the right term. What we're serving in Arts, Education and now Law is really healthy food — simply nutritious meals with a variety of natural products. Not part of some strict vegetarian regime, but certainly not junk food, either."

In previous years, junk food was very much the operative term in the cafeteria, which was run by a company specializing in food for industries. Sugary pastries, white bread sandwiches with about as much appeal as their plastic wrappers, and date squares that looked like they'd been run over by a truck, just did not meet the high standards of budding jurists. According to LSA president Roger Cutler, a survey distributed to patrons showed a high degree of dissatisfaction with the food last year, and many people preferred to leave CDH for nearby

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First year? No panic!

The first week in law school is a somewhat strange experience. When you begin the study of law you are a novice in some respects, while in others you are not. Like most LL.B. first year students, I arrived with four years of university instruction and a Bachelor's degree; I had floundered through the first year as a freshman, confused about everything I was expected to do. Over the course of the next three years I became quite comfortable with my environment: which professors expected certain types of essays where the optimal study came was, when to avoid pub line-ups, and how to get high grades with the least possible expenditure of energy. The first-year paranoia became a distant memory; something which every student experiences, but happily only once.

Unless one plans to study law! The four years' experience will obviously help you academically, but there is still the matter of adapting to this new environment at a law school. Though a law school is a unique faculty within the university, my impression after first week is that there are many academic similarities with the pursuit of any other study. The chief burden on the student, which is reiterated by almost every

professor, is to do the readings and come to class prepared to participate intelligently in the discussion. The same is expected of any student in a fourth year history seminar. While there is an horrendous amount of reading to be done for each course, one's endurance should have been built up over the previous four years by requirements almost as demanding. The range of professors is also similar: type A who clouds issues while attempting to explain them; type B who emits lectures as if he was a breathing computer; and type C who threatens to make a class interesting, nay, perhaps even enjoyable.

But there are the many differences, which have even made "Week One" memorable. There is the numbing feeling of realizing that many people are speaking English, but not the type you've spent twenty odd years trying to master. There is also the cumulative impression based on the first week of lectures in five courses, where you realize all this should fit together, that it will fit together, but right now it sure doesn't fit together! But bewilderment and anxiety builds character (so does losing, but I hope not failing).

One reassuring aspect of McGill Law School is that various people are going to great lengths to help first year students make it through. One can't help but get that impression after a few days. There are the tutorial groups, the Student Support Group, and the Student Affairs Office. I'm almost afraid to say it (I might be eating my words in April), but if a student fails there will be no one to blame but himself, and more specifically his lack of effort, rather than lack of intelligence.

With the boring topic of school aside, it seems the LSA is intent on providing the students with an opportunity to have a good time. The numerous activities of the first week seemed to set a "precedent" for the year. Also, the various other activities which one can become involved in — intramurals, Quid Novi, Phi Delta Phi, etc. — offer enough options to divert one's attention away from casebooks.

While my initial impressions are generally positive, some of my previous expectations have been shattered. I was expecting law school to be stocked with real "keeners", scurrying from class to class and briefing cases at the same time. I was reassured that although all students must have fairly high levels of academic ability, no one appears to wear their IQ on their sleeve. I was also under the impression that students would be playing the role of the lawyer, at least superficially parading around in a suit and tie (or is that yet to come?).

The one impression that stands out most clearly from my first week, and one which I didn't expect, is that the students at this faculty, it appears, do not assume any artificial airs. Law school has changed their thinking, but hasn't left them with any of the unnecessary superficial baggage. So, it seems, just act natural and you'll fit in.

Rick Goossen

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University Affairs

McGill's Code of Student Conduct and Disciplinary Procedures was enacted last year after considerable controversy and much heated student reaction. No one argues with the idea that students should not be allowed to cheat on exams or destroy university property.

There is, however, some concern that the Code is too far-reaching. Numerous provisions in section A are also offences under the Criminal Code, and this could lead to the imposition of two penalties on the student — a criminal sentence and a fine from the university (ss. 14(b), 69(g)). This was the primary objection when the Code was first drafted, and chances are it will remain so.

This is not to say that the idea of some sort of list of university regulations should not be issued, nor is it suggested that the university should not be allowed to reasonably protect its property. It is hoped, however, that the

Code will eventually be modified in some of its provisions.

There was one very positive result of the implementation of the Code. It was felt that if the University were to issue a list of students' obligations, a list of students' rights should also be issued. Late last year, the first draft of the Charter of Students' Rights appeared. Although it is incomplete and at times poorly written, it is an important first step toward defining our rights. Now the committee drafting the Charter is starting work again, and invites student participation in the preparation.

The LSA executive has decided to present a report to the Committee outlining our suggestions for improvement, correction, and expansion. To do this, we need your help. Read the Charter (it can be obtained in the LSA office). Consider what needs improvement, then get in touch with me with any ideas or suggestions you

may have. Apart from being an excellent chance to review your Constitutional law skills (and to develop them, if you're in first year), this will give you a chance to help define the rights of McGill students for years to come.

N.B. The Code is available at the hand-out room.

* * *

At last week's Council meeting, most of the time was taken up with *pro forma* approval of the Executive Committee's actions over the summer. There were several contentious issues, such as having the Tribune publish weekly instead of bi-weekly.

By far the most controversial issue was the allocation of rooms to various groups. Access McGill, a disabled rights group, has been given an office on the fourth floor of the University Centre, which is not very accessible to anyone in a wheelchair or on crutches. Subject to a reconsideration by Council

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Skit Nite Wants You!

by Pearl Eliadis

Actually, Skit Nite needs more than just directors. It needs proud parents. Two dedicated souls to nurture and cherish this time-honoured institution. "Malice in Wonderland", last year's smash production, was acclaimed the funniest and best-written Skit Nite ever, and the lion's share of the credit goes to David Hirsch and Richard Kurland. This year, both David and Richard are planning to help get the show on the road, but they have other obligations and it is time to bring in new blood.

The difference between "Malice in Wonderland" and previous productions, says Hirsch, was the use of a theme, which changed the show from a series of disjointed skits into a delightfully entertaining story. Although it is the directors' job to ensure coherence and creativity, this doesn't mean that any form of talent will not be welcome.

Last year, singers, classical guitarists, jugglers and "Jane Glenn, Crimefighter" were among the acts integrated into the story line. Skit Nite is a labour of love, says David, and involves all production-related tasks, including publicity, lighting, costumes,

sound, and generally making sure that the ship sails smoothly.


The new directors will not be alone in their task. There is still a great deal of material unused from last year, and both David and Richard will be offering their experience and advice. The revenue from Skit Nite makes the production completely self-financing, and last year's profits are ready and waiting for this year's extravaganza.

David feels that his role in producing "Malice in Wonderland" was the most gratifying experience he has yet had in Law School, and he encourages interested students to look him or Richard Kurland up to get the ball rolling this year.

If nothing else, Skit Nite is a lot of fun. Everyone goes, students and professors alike. Why, even Prof. Crépeau came down from his tower to join the festivities last year. What more can I say?

So, all you potential producers seeking fame, glory, and a generally great time, get in touch with Richard or David (usually to be found in the Moot Court Board Office) for the time of your lives!

Quid Novi



Editorial

Des Elections Populaires!!!

Le principe de la démocratie représentative n'a pas semblé susciter un vif intérêt au sein de la population étudiante de la faculté lors des dernières "élections". Les candidats n'ont pas eu à faire appel à leurs talents d'orateur et les électeurs n'ont pas eu à passer aux urnes. Le tout s'est déroulé dans la plus parfaite indifférence.

Les candidats aux postes de trésorier et de président de classe ont en effet été élus par acclamation. La catastrophe a donc été évitée de justesse. La barque n'a pas chaviré mais il s'en est fallu de peu.

Pourtant, la situation ayant prévalu l'année précédente ne laissait présager rien de tel. Les élections du printemps dernier avaient été couronnées de succès. Plusieurs candidats s'étaient inscrits à la course électorale et un grand nombre d'électeurs s'étaient présentés aux urnes afin d'exercer leur droit de vote.

Le manque d'intérêt démontré pour les élections au sein de l'Association des étudiants en droit cette année représente un problème qui ne doit pas être pris à la légère. En effet, ce "problème" a des conséquences importantes sur un point qui a été, et est encore, l'objet de nombreuses discussions entre les étudiants et la faculté. Il s'agit de la représentation étudiante au sein du conseil de la faculté ("Faculty Council"). Comment peut-on convaincre les tenants du statu quo de l'importance d'une plus grande représentation étudiante sur le conseil alors que l'Association des étudiants a eu de la difficulté à attirer des candidats?

Si les étudiants veulent se faire entendre, ils n'en tiennent qu'à eux de démontrer qu'ils ont l'intérêt nécessaire pour participer et être présents dans la faculté à tous les niveaux. Il ne nous reste qu'à espérer qu'il ne s'agissait pas là d'un premier symptôme. L'année ne fait que commencer, l'espoir demeure....

Martine Turcotte

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Order-in-(Cutler's) Council

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that the Council had no intention of giving a grant to Quid Novi (this issue was postponed to later, when more information would be available about the financial situation of Quid Novi, the LSA itself, and about other sources of income for the paper) a motion was presented to the effect that the LSA Council should lend Quid Novi the \$750 from LSA funds until Quid Novi receives its own funds from the university. The motion was adopted unanimously.

Speaker Candidates

As Roger Cutler clarified, the position of a neutral speaker for the LSA Council would enable the

president to express his political views to the full extent, making his position more effective.

Four candidates were eager to hold this position, namely Todd Sloan, Antoinette Bozak, Robert Stevens, and Danny Gogek. All four, one in written form, the other three orally, impressed the Council members with their respective background as chairpersons of committees, councils and commissions, and their thorough knowledge of the Robert's Rules of Order. The Council members will appoint their speaker on their next meeting, Tuesday, Sept. 28, 7:30 p.m.

Student-Faculty Baseball

John "Fernando" Webster was the winning pitcher in last Wednesday's annual Faculty/Student softball challenge. But the students didn't win. Due to the unusually poor turnout of faculty, Webster, Fitzsimmons, Heller, Meyers, and their fourth year colleagues were forced to bolt the ranks of the good guys to join the perennial losers. Where were Terry "I always bring my own bat" Wade and Ron "how many times are you going to hit it over my head" Sklar? Crazy legs Macdonald provided a good foundation in the outfield but even he couldn't handle three positions at once. The Crimefighter was there with H.P. in tow, and for the second consecutive year both Glens were out-hit by their kids. The Faculty squad was rounded out by Michael "I don't answer silly questions" Bridge and Ralph Simmonds, who decided to leave the game early in the fifth when G. Blaine Baker arrived and began to chat up his girlfriend. What a day on the reservoir.

The second-year squad was led into battle by Richard "how many strikes do I get" Janda who was relieved complaining of Quidders cramp after pitching three innings of one-hit ball. Only one hit but eleven runs as BCL II class president Steve Fogarty and his fellow fielders were in a generous mood. Maybe they were on a "be nice to upper year students campaign" in an effort to boost their chances in these silly September popularity contests being held by the Law Journal, the Moot Court Board and other of our venerable student institutions. Brandon Jaffe, our new LLB II president, pitched three innings of perfect baseball down the stretch.

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This letter contains the impressions of a new McGill student. Over the course of the year, a few more letters will attempt to trace and to characterize the psychological phenomenon known as "first year of law school".

Dear John,

It's obvious that your letter of recommendation worked! I'm definitely at McGill...studying law. The pertinent question now is - do I throw my arms around you (figuratively) in thanks...or refuse to ever see you again?

What's it like here? Easy for you to ask...living the easy life (the life I USED to live) - fascinating work; travel to "meaningful" places; two hours lunches; and, after work, home to the comforts that professions like ours allowed us. What's it like you ask? NOT LIKE THAT!

First of all, no one warned me I'd have to learn a new language here. Surprise! I sat through two days of classes and kept stealing glances around to see if anyone looked as totally mystified as I. Have you ever seen forty-five people sitting in neat little rows - and all in a state of shock? Well, that was us. (Although I shouldn't pretend to speak for the other forty-four, I only hope to god that's how they felt!) Anyway, I've found out that they give a course here in translating this new language into English or French. It's called Tutorial, and there's no doubt it will be my saving grace. Thanks to Tutorial, I already know what a writ of habeas corpus really is, and can talk in terms of interpretation, application and holding. Legal writing, need I point out, is a far cry from the kind of writing you do for a living. There's nothing short and lyrical about my casebook on Constitutional Law, although I'm sure my professor would argue!

It came as scant surprise too, that, at thirty-three, I am at least ONE of the oldest first year students (READ: elegant, sophisticated, witty, and wrinkled). I feel sort of like a pair of saddle

shoes at a disco. Unfortunately, my colleagues likely don't know who or what a saddle shoe IS! Age difference aside, though, I figured that, since leaving undergraduate work, I'd acquired a certain professional and social confidence - a sense of "being there". I was calm and at ease in any situation. Why is it, then, that last week, at registration, when some fresh-faced second year law student told me I belonged at the "problem desk", ten years of experience in the world went down the tubes? It was incredible! My knees weakened my palms began to sweat; that awful twitch in my left eye started up again...even my tennis elbow ached! Does this mean I'm going to have to start all over again learning composure under crisis? Yee gods!

Speaking of gods...the professors here are an interesting lot. I have one who practically climbs the furniture in his enthusiasm with the course material. Another begins his classes with either a joke or a sports announcement. I have one professor to whom I am particularly partial. He's what every successful, practicing lawyer should look like. When Ford and Hart graduate from the Paper Chase (now in re-re-runs) they'll look just like him.

All kidding aside, and knocking knees at rest, I must confess that I'm overwhelmed by how little I know (isn't there a saying about the more you learn, the more you realize how little you know??) I'm challenged by everything and everyone around me. The amount of legal knowledge in the books and people is, very simply, awesome.

With all that in mind, my casebooks await.

H.

Real Law Students Don't Do Briefs

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most of the readers. After all, what do we care about their legal system when we can hardly understand our own? And really, how many U.S. law school paper have a Canadian Corner? And if they do, it is probably full of eh's and backbacon jokes. We, here at the Quid, are open for suggestions to change the column. Maybe something like Canadian Legal Issues? But until we get people interested in writing of that sort, Alan Alexandroff and I will be forced to turn one of these American Corners out every week, some of them interesting and compelling while others may just escape our readers. So if you are interested in an issue which you would like to write about, and this includes professors, then please come and see us. Our door is always open (since we can't afford a lock) but we might not be there. Get in touch. A good school paper requires an active student and faculty participation.

Demetrios Xistris

Student-Faculty Baseball Continued from p. 5

The big story at the plate for the good guys was Ed Lee and Yves Menard who led a late rally that brought the score to 11-8 just before the game was called on account of darkness. Danny Gogek sliding into third in his Sunday pants and a bare-footed Nick Krjnevick displayed the kind of baserunning aggressiveness that may scare even more faculty away next year.

Even the presence of handsome first-year professor David Stevens wasn't enough to attract a single woman to the festivities. More perplexing on that balmy September afternoon was the absence of first-year students. Indeed, as this issue goes to press, the second, third and fourth year students can still be heard asking if there is any first-year class. Come on, participate! This is your faculty too.

Tim Wallach

Dear Mr. Bora,

I'm an eager new student, still moist behind the ears but with an insatiable thirst for learning the LAW A MARI US QUE AD MARE. I would be eternally grateful if you would be kind enough to furnish a guiding light through the perils and pitfalls of that great darkness known as "First Year Law."

Tender Tootsy,

Dear Fetish,

In view of the seriousness of the question I've decided to give a major overview of the "do's" and "don'ts" in this area, hoping it will be of some use to other lost souls as well as yourself.

As a freshman law student, it is essential to learn the proper manner in which to present oneself right from the start. I have therefore taken it upon myself to teach McGill's aspiring solicitors the "right stuff".

DEMEANOUR:

The most essential thing to remember in comporting oneself as a real law student is to look and act as if one knew it all. If a topic arises about which one knows absolutely nothing, one just nods knowingly and then mentions one's great uncle, the expert on Persian Constitutional law.

Where one sits in class is the key to one's success in classroom dynamics. The front rows are a "no-no". The sight of all those freshly-scrubbed faces dragging their tongues on the floor and scribbling like crazy has caused many a frustrated professor to let loose a flurry of belittling comments.

Also to be avoided is the back row, which is the domain of the cynical upper classmen, whose sharp tongues have been known to whither the spirits of eager freshmen.

A strategic positioning somewhere between these two groups will prove to be the safest in the long run.

SOCIAL LIFE:

Perhaps the most essential category in this Code of Procedure is that of a law student's social life.

Working Habits - A real law student must maintain an aura of absolute control even while "Rome burns all around". At the same time one must present oneself in such a way that one's fellow classmates consider one to be a flamboyant, while teeming with grey matter. In truth, of course, a real law student is "pounding the tomes" to the wee hours of the morning. But remember, a real law students does not do briefs.

Wheels - A real law student takes the Metro while keeping a Porsche 928 on blocks during the winter. It goes without saying that one flaunts the keys to the Porsche at all times.

Leisure - The primary sport that every law student must master in order to be successful is, of course, squash. A real law student only uses the best racquet, a Dunlop Maxply with gut strings. Skiing is also highly recommended for those aspiring upwardly mobility. A real law student skis at Grey Rooks while being weighed down with Lake Louise and Sunshine life tickets.

The off-season is spent honing skills on the Polo fields at the parents' country estate.

Finally, a real law student's sex life is nothing short of "awesome". While remaining the paragon of discretion, a law student has had to codify the "little black book".

I hope that this piece of advice is useful to all concerned.

Eats'n Grits

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sandwich bars or other campus cafeterias.

This prompted the LSA Executive to open competition for this year's cafeteria contract, and to approach the McGill Students' Society to come up with a proposal based on its successful experience with health food cafeterias in the Arts and Education buildings. The offer was not only more aesthetically pleasing, but financially sweeter as well, providing a \$1500 increase in rent, and the prospect of a 50% cut of the profits, up from a meager 2% last year.

Mary Ellen Pitts, who can usually be found scooping macaroni salad or whipping up a "smoothie" behind the counter downstairs, is the person responsible for composing the menu at the Chancellor Day Hall "Café". Hot dishes, which were unpopular according to the LSA survey, have been dropped in favour of a wide variety of sandwiches, salads, and healthy snacks. Says Ms. Pitts: "We aim to fill the needs of the typical law student, who is busy, who doesn't pack his own lunch, and who wants a quick meal, but not junk food. But in fact, we were careful not to exclude anyone, and we've got something here for everyone from junk food eaters to those who eat only pure food."

Ms. Pitts, who has had experience establishing healthy meal plans for day care centres and schools, is quick to reject stereotypes that place health food in the realm of hippie communes and weird cults. As the cafeteria shows, a healthy diet does not require buying exotic foods, she points out. It requires a reduction of highly-processed, empty-calorie foods like white bread and mayonnaise, in favour of protein power-houses like beans, eggs, and yogurt, complemented by vitamin-rich fruits and green vegetables.

Although \$1.50 may seem expensive for a sandwich compared to last year's prices, one must realize that this year's product is

an entirely different animal (or rather vegetable). Starting with a relatively substantial portion of the filling (unlike last year), the sandwich provides whole wheat pita, tomatoes, shredded carrots and enough alfalfa sprouts to get you through two hours of Obligations.

An outstanding menu success has been the paté végétale, which is ideal to munch on during Intellectual Property. Since it is made with a secret recipe known only to its Montreal distributor, it is an open question whether this knowledge represents "property" in any conventional sense. The aforementioned "smoothie" is another success story. It is actually a banana, yogurt and orange juice (not someone who managed to get into law school with a 2.5 GPA),

and humus, a high-protein middle-eastern spread for which, even at the risk of losing some business, Ms. Pitts has provided the recipe for Quid Novi readers (with liberal modifications by the author):

4 cups cooked or canned chick peas
1/2 cup tahini (sesame butter)
2 tablespoons each oil, vinegar, and lemon juice.

Following spices to taste: garlic, cayenne pepper, salt, cumin, and coriander. Purée all the above in a blender and serve on pita bread or as party dip. You may wish to add water to adjust consistency.

When it comes down to brass tacks, however, any upper-year law student worth his or her salt will ask: What's in it for me? i.e. who gives a flying _____ about health foods?

There are reasons of every order for cutting down on meat and eating lower on the food-chain. For those interested, the million-copy bestseller Diet for a Small Planet by Frances Moore Lappé stands as a sort of bible for born-again vegetarians.

Briefly stated, some of the main considerations are:

Political - it takes up to ten grams of vegetable protein suitable for human consumption (eg. grains) to produce one gram of high-grade

meat protein, an effective wastage of 90 per cent of the original protein; this while some 800 million people around the world are suffering from malnutrition. Thus eating less meat would increase the world food supply and could help to alleviate world hunger.

Health - You won't find any nutrients in meat that you can't get from a balanced vegetarian diet (though arriving at such a diet requires a little forethought). What you will find, though, is cholesterol (which doesn't exist in the plant kingdom) and a lot more saturated fats (roughly 33% more in the typical North American diet as compared to a vegetarian diet). There is a strong correlation between high blood cholesterol levels and heart disease, the continent's number one killer.

Financial - It has been conservatively estimated that a vegetarian diet including all dairy products would cost 20% less than a similar diet including meat. For example, according to Diet for a Small Planet, 20 oz. of humus, costing about \$1 to make, is equivalent to a 10 oz. steak.

Moral - Why should you kill poor dumb animals for food when you can choose from an unlimited variety of non-animal foods at your local store?

Taste - who wants to eat dead flesh anyway?

So enjoy your first taste of sprouts along with your inaugural smoothie and remember: "Be kind to animals, don't eat them."

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next week, Access McGill will move to the basement (which is a little easier to get to) and the Arts & Science Undergraduate Society will move to the fourth floor. The meeting will be at 6:30 on September 29, in Leacock 232.

* The Students' Society Blood Drive goes from Sept. 27 - Oct. 1 this year. Since our hospital system depends on volunteer donations of blood, it is vital that everyone who can give blood does so. Please go, and bring a friend with you. It's in the Union Ballroom (3rd floor of the University Centre) all next week....

Tim Baikie

American Corner: Tax-free Racism

A three-judge Federal court in the United States, in an opinion by a distinguished judge, decides an important question of Federal law. The Supreme Court affirms the decision. Three other courts follow it. The Federal government incorporates it in rules, and three Presidents enforce them over a ten year period.

A new President reverses the rules. He says that he did so because they had "no basis in law."

This is just one of many examples where Ronald Reagan has used his Justice Department to send back civil rights in the United States to those Southern days when a farm hand was really called "boy". Ronald Reagan in less than two years in office has managed to already attack the law in the courts on issues like abortion (which we have already seen in this column previously), busing, affirmative action, rights of criminal defendants, and just last January, tax free tuition credits to schools which openly and admittedly practice racist admissions policies.

Mr. Reagan has politicized Justice. He has, in effect, used a Department of high integrity to advocate his views of an America which before him was decided not to be allowed to exist. He has used Justice to attack *Roe v. Wade*. He has used Justice to curtail the gains of black civil rights groups primarily led by the NAACP and their Legal Defense Inc. in areas such as busing (where the President has asked the Civil Rights Department of Justice not to actively pursue cities that have violated Federal law in busin of students). He has asked Justice to seek a reversal of the *Weber* decision which upheld voluntary affirmative action programs — despite his approval of the case in a news conference. And he has actively campaigned for a watered-down version of the Voting Rights Act. And worst of all, he has recently tried to implement a tax policy which would violate the spirit of the Constitution. It goes like this:

The courts had decided in 1970 in a case called *Green v. Connally* that tax-exempt status to schools which practiced segregationist attitudes was unconstitutional. To subsidize racial discrimination, which would be the effect of this law, would violate the basic principles and fundamental precepts of the Constitution. With that ruling, the IRA uniformly adopted the view that these tax credits would be denied. And so they were until this year, when the President, on the advice of his legally well-trained Attorney General, decided that they should overturn this *Carter administrative* rule. Well, so blinded by their wisdom that they failed to justify how the White House view was correct, they also failed to see that it was not a Charter rule which they were varying but a Nixonian rule from 1970. All in all it led to a very sloppy and patchworked cover-up which failed to convince any observers.

Education, and the freedom to it, is one of the most precious American attributes. To say that black tax dollars would go to subsidize a segregationist school would be a notion contrary to human principles. It would dehumanize a race that for too long has fought for an equal America. The very existence of racially segregated schools is very suspect ever since *Brown v. Board of Education*. The idea to give these schools tax benefits and as such a Federal recognition is appalling. Not only is there no basis in law for this kind of reasoning but it also goes against moral and ethical notions.

For years it had been states which had practised racial and segregationist policies and for years the Federal government had said that their hands were tied to do anything about it because it was in the States' sphere of powers. It took many courageous lawyers and citizens many years of hard work to break down the oppressive southern system which relegated blacks to an inferior status. Yet all the while that the South was utilizing and enforcing these

policies, Washington's hands were clean. Ironically this stalemate between State and Federal jurisdictions led to an attenuation of these policies. Their respective different viewpoints led to a civil war which though alleviating the pressure did not eliminate the problem. And so it continued into the fifties, this dialectic between on the one hand a color-blind Constitution and on the other hand a not so color-blind one.

Since 1950, moral and public response to these issues helped to "turn" them around. It wasn't that the law had changed. It was still the same. It was just that the public's perception of how the law should be had changed. America had decided to live by higher values and ideals. It was their choice. And it was time to live up to these broken promises.

The area which first needed remedying was education, for it more than anything else would accelerate equality. So the last 30 years in civil rights litigation have been primarily dedicated to this field of education. It is in this field where the great constitutional law battles have taken place in the Supreme Court.

It is with this background in mind with which one must view the Reagan "initiatives" regarding tax-free segregation. And if all of this will not convince you of the President's irregard for civil rights then maybe this will: the President has decided that the government will not defend its position, which it won in *Green v. Connally*, that these benefits were unconstitutional. As such, when the case was recently appealed to the Supreme Court by 2 segregationist schools who want the benefits, the Court for one of the few times in history had to find counsel for one of the parties. In this case it was to replace counsel for the government.

I have received a couple of comments that the *American Corner* might have become a little too overburdensome for some or maybe

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